

**REPORT OF THE AUDIT OF THE
BOONE COUNTY
SHERIFF'S SETTLEMENT - 2012 TAXES**

**For The Period
April 17, 2012 Through April 15, 2013**



**MIKE HARMON
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EXECUTIVE SUMMARY
AUDIT OF THE
BOONE COUNTY
SHERIFF'S SETTLEMENT - 2012 TAXES

For The Period
April 17, 2012 Through April 15, 2013

The Auditor of Public Accounts has completed the audit of the Sheriff's Settlement - 2012 Taxes for the Boone County Sheriff for the period April 17, 2012 through April 15, 2013. We have issued an unmodified opinion on the financial statement taken as a whole. Based upon the audit work performed, the financial statement is presented fairly in all material respects.

Financial Condition:

The Sheriff collected 2012 taxes of \$129,390,666 for the districts, retaining commissions of \$3,382,589 to operate the Sheriff's office. The Sheriff distributed 2012 taxes of \$125,952,781 to the districts. Taxes of \$6,310 are due to districts from the Sheriff and refunds of \$1,251 are due to the Sheriff from taxing districts.

Report Comment:

2012-001 The Sheriff's Listing Of Exonerations Is Not Maintained In The Manner Prescribed By The Department Of Revenue

Deposits:

The Sheriff's deposits were insured and collateralized by bank securities.

CONTENTS

PAGE

INDEPENDENT AUDITOR'S REPORT.....	1
SHERIFF'S SETTLEMENT - 2012 TAXES.....	4
NOTES TO FINANCIAL STATEMENT	6
REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS	11
COMMENT AND RECOMMENDATION	15



MIKE HARMON
AUDITOR OF PUBLIC ACCOUNTS

To the People of Kentucky

Honorable Matthew G. Bevin, Governor

William M. Landrum III, Secretary

Finance and Administration Cabinet

Honorable Gary W. Moore, Boone County Judge/Executive

Honorable Michael A. Helmig, Boone County Sheriff

Members of the Boone County Fiscal Court

Independent Auditor's Report

Report on the Financial Statement

We have audited the Boone County Sheriff's Settlement - 2012 Taxes for the period April 17, 2012 through April 15, 2013 - Regulatory Basis, and the related notes to the financial statement.

Management's Responsibility for the Financial Statement

Management is responsible for the preparation and fair presentation of the financial statement in accordance with accounting practices prescribed or permitted by the laws of Kentucky to demonstrate compliance with the Commonwealth of Kentucky's regulatory basis of accounting as described in Note 1. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of a financial statement that is free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on the financial statement based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in *Governmental Auditing Standards* issued by the Comptroller General of the United States, and the *Audit Guide for Sheriff's Tax Settlements* issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statement. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statement, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statement in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statement. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.



To the People of Kentucky
Honorable Matthew G. Bevin, Governor
William M. Landrum III, Secretary
Finance and Administration Cabinet
Honorable Gary W. Moore, Boone County Judge/Executive
Honorable Michael A. Helmig, Boone County Sheriff
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Basis for Adverse Opinion on U.S. Generally Accepted Accounting Principles

As described in Note 1 of the financial statement, the financial statement is prepared by the Sheriff on the basis of the accounting practices prescribed or permitted by the laws of Kentucky to demonstrate compliance with the Commonwealth of Kentucky's regulatory basis of accounting, which is a basis of accounting other than accounting principles generally accepted in the United States of America.

The effects on the financial statement of the variances between the regulatory basis of accounting described in Note 1 and accounting principles generally accepted in the United States of America, although not reasonably determinable, are presumed to be material.

Adverse Opinion on U.S. Generally Accepted Accounting Principles

In our opinion, because of the significance of the matter discussed in the Basis for Adverse Opinion on U.S. Generally Accepted Accounting Principles paragraph, the financial statement referred to above does not present fairly, in accordance with accounting principles generally accepted in the United States of America, the financial position of each fund of the Sheriff, as of April 15, 2013, or changes in financial position or cash flows thereof for the year then ended.

Opinion on Regulatory Basis of Accounting

In our opinion, the financial statement referred to above presents fairly, in all material respects, the taxes charged, credited, and paid for the period April 17, 2012 through April 15, 2013 of the Boone County Sheriff, in accordance with the basis of accounting practices prescribed or permitted by the Commonwealth of Kentucky as described in Note 1.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated November 24, 2015 on our consideration of the Boone County Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Boone County Sheriff's internal control over financial reporting or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control over financial reporting and compliance.

To the People of Kentucky
Honorable Matthew G. Bevin, Governor
William M. Landrum III, Secretary
Finance and Administration Cabinet
Honorable Gary W. Moore, Boone County Judge/Executive
Honorable Michael A. Helmig, Boone County Sheriff
Members of the Boone County Fiscal Court

Other Reporting Required by Government Auditing Standards (Continued)

Based on the results of our audit, we have presented the accompanying comment and recommendation, included herein, which discusses the following report comment:

2012-001 The Sheriff's Listing Of Exonerations Is Not Maintained In The Manner Prescribed By The Department Of Revenue

Respectfully submitted,

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Mike Harmon
Auditor of Public Accounts

November 24, 2015

BOONE COUNTY
MICHAEL A. HELMIG, SHERIFF
SHERIFF'S SETTLEMENT - 2012 TAXES

For The Period April 17, 2012 Through April 15, 2013

<u>Charges</u>	<u>County Taxes</u>	<u>Special Taxing Districts</u>	<u>School Taxes</u>	<u>State Taxes</u>
Real Estate	\$ 10,487,352	\$ 20,111,377	\$ 61,203,602	\$ 12,194,333
Tangible Personal Property	1,998,367	5,205,178	8,438,065	5,179,036
Increases Through Exonerations	3,350	5,405	16,151	2,275
Omitted Taxes	155	132	879	269
Franchise Taxes	900,170	1,497,498	4,032,719	
In Lieu of Taxes	105,048	274,999	767,776	44,215
Additional Billings	66,776	460,558	330,656	190,395
Mineral Charges	551	1,429	3,125	641
Penalties	22,730	51,205	128,235	28,241
Adjusted to Sheriff's Receipt	19,591	17,073	602	(12,463)
Gross Chargeable to Sheriff	13,604,090	27,624,854	74,921,810	17,626,942
<u>Credits</u>				
Exonerations	90,669	127,764	390,066	222,475
Incorrect Exoneration	1,004	851	5,688	
Discounts	221,086	451,102	1,228,423	301,754
Delinquents:				
Real Estate	90,782	166,507	535,073	105,480
Tangible Personal Property	16,577	27,447	68,328	52,266
Additional Bills	4,467	7,169	20,617	18,142
Franchise Taxes	33,187	55,593	144,513	
Total Credits	457,772	836,433	2,392,708	700,117
Taxes Collected	13,146,318	26,788,421	72,529,102	16,926,825
Less: Commissions *	558,719	653,898	1,450,582	719,390
Taxes Due	12,587,599	26,134,523	71,078,520	16,207,435
Taxes Paid	12,580,854	26,124,872	71,049,114	16,197,941
Penalties and Interest				294
Refunds (Current and Prior Year)	5,510	7,014	28,037	9,970
Due Districts or (Refunds Due Sheriff) as of Completion of Audit	\$ 1,235	\$ 2,637	\$ 1,369	\$ (182)
		***	**	

*, **, and *** See next page.

The accompanying notes are an integral part of this financial statement.

BOONE COUNTY
 MICHAEL A. HELMIG, SHERIFF
 SHERIFF'S SETTLEMENT - 2012 TAXES
 For The Period April 17, 2012 Through April 15, 2013
 (Continued)

* Commissions:

4.25% on \$ 41,950,492

2% on \$ 72,529,103

1% on \$ 14,911,071

** School Districts:

Common School	\$	157
Graded School		1,219
Kenton County School		<u>(7)</u>
Due Districts or (Refund Due Sheriff)	\$	<u>1,369</u>

*** Special Taxing Districts:

Library District	\$	190
Health District		108
Extension District		(38)
Walton Fire		272
Bellevue Fire		(8)
Hebron Fire		2,504
Union Fire		399
Burlington Fire		114
Point Pleasant Fire		(59)
Petersburg		28
Verona Fire		84
Florence Fire		<u>(957)</u>
Due Districts or (Refunds Due Sheriff)	\$	<u>2,637</u>

BOONE COUNTY
NOTES TO FINANCIAL STATEMENT

April 15, 2013

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

The Sheriff's office tax collection duties are limited to acting as an agent for assessed property owners and taxing districts. A fund is used to account for the collection and distribution of taxes. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

B. Basis of Accounting

The financial statement has been prepared on a regulatory basis of accounting. Basis of accounting refers to when charges, credits, and taxes paid are reported in the settlement statement. It relates to the timing of measurements regardless of the measurement focus.

Charges are sources of revenue which are recognized in the tax period in which they become available and measurable. Credits are reductions of revenue which are recognized when there is proper authorization. Taxes paid are uses of revenue which are recognized when distributions are made to the taxing districts and others.

C. Cash and Investments

KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Deposits

The Boone County Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the Sheriff's deposits may not be returned. The Boone County Sheriff does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 41.240(4). As of April 15, 2013, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

BOONE COUNTY
NOTES TO FINANCIAL STATEMENT
April 15, 2013
(Continued)

Note 3. Tax Collection Period

The real and personal property tax assessments were levied as of January 1, 2012. Property taxes were billed to finance governmental services for the fiscal year ended June 30, 2013. Liens are effective when the tax bills become delinquent. The collection period for these assessments was September 25, 2012 through April 15, 2013.

Note 4. Sheriff's 10% Add-On Fee

The Boone County Sheriff collected \$ 155,912 of 10% add-on fees allowed by KRS 134.119(7). This amount was used to operate the Sheriff's office.

Note 5. Unrefundable Duplicate Payments And Unexplained Receipts

The Sheriff deposited unrefundable duplicate payments and unexplained receipts into interest-bearing accounts. The Sheriff's escrowed amounts were as follows:

2008	\$ 2,518
2009	\$ 5,807
2010	\$ 15,740
2011	\$ 2,081

KRS 393.090 states that after three years, if the funds have not been claimed, they are presumed abandoned and abandoned funds are required to be sent to the Kentucky State Treasurer by KRS 393.110. The Sheriff should send a written report to the Treasury Department and has not submitted appropriate amounts to the Kentucky State Treasurer in accordance with KRS 393.110.

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REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



MIKE HARMON
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Gary W. Moore, Boone County Judge/Executive
Honorable Michael A. Helmig, Boone County Sheriff
Members of the Boone County Fiscal Court

**Report On Internal Control Over Financial Reporting And On
Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards**

Independent Auditor's Report

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the Boone County Sheriff's Settlement - 2012 Taxes for the period April 17, 2012 through April 15, 2013 - Regulatory Basis of the Boone County Sheriff, and the related notes to the financial statement and have issued our report thereon dated November 24, 2015. The Sheriff's financial statement is prepared on a regulatory basis of accounting, which demonstrates compliance with the laws of Kentucky and is a special purpose framework.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statement, we considered the Boone County Sheriff's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the Boone County Sheriff's internal control. Accordingly, we do not express an opinion on the effectiveness of the Boone County Sheriff's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statement will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.



Report On Internal Control Over Financial Reporting And On
Compliance And Other Matters Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards
(Continued)

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Boone County Sheriff's financial statement is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed an instance of noncompliance or other matters that is required to be reported under *Government Auditing Standards* and which is described in the accompanying comment and recommendation as item 2012-001.

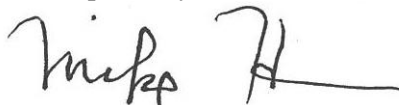
County Sheriff's Response To Finding

The Boone County Sheriff's response to the finding identified in our audit is included in the accompanying comment and recommendation. The Boone County Sheriff's response was not subjected to the auditing procedures applied in the audit of the financial statement and, accordingly, we express no opinion on it.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mike Harmon", with a stylized flourish at the end.

Mike Harmon
Auditor of Public Accounts

November 24, 2015

COMMENT AND RECOMMENDATION

BOONE COUNTY
MICHAEL A. HELMIG, SHERIFF
COMMENT AND RECOMMENDATION

For The Period April 17, 2012 Through April 15, 2013

STATE LAWS AND REGULATIONS:

2012-001 The Sheriff's Listing Of Exonerations Is Not Maintained In The Manner Prescribed By The Department Of Revenue

The Sheriff's listing of exonerations is not being maintained in the manner required by the Kentucky Department of Revenue because the Sheriff's software program does not provide an individual listing of exonerated amounts that comprise totals used in the preparation of the Sheriff's Settlements. The Sheriff's exonerations listing also includes exonerated assessments that resulted in refunds.

Sheriff's totals for exonerations increases and decreases produced by the software system were adjusted significantly during the preparation of the Sheriff's Settlements. During the audit process, we were unable to verify the accuracy of the Sheriff's listing of exonerations (and subsequent adjustments) due to the inadequacy of the software program.

In the manual "Property Tax Duties of Sheriff's Office," prepared by the Office of Property Valuation, December 2014, the Department of Revenue requires Sheriffs to properly maintain a listing of exonerations. Specifically, the manual states, "Each exonerations form needs to be properly maintained by the sheriff and a report that lists each exonerations amount will need to be generated for review by both the Department of Revenue field staff and personnel with the State Auditor's Office."

We recommend the Sheriff maintain an exonerations listing in a manner that reflects each individual exonerations amount as required by the Department of Revenue. Additionally, the listing of exonerations should not include exonerations that resulted in a refund.

Sheriff's Response: The tax software was replaced immediately as recommended by the Revenue Cabinet. Controls are in place to review each exonerations and tax bills that are prepared by other county offices.

